

SENATE RECORD VOTE ANALYSIS

104th Congress
1st Session

Vote No. 39

January 24, 1995, 4:39 p.m.
Page S-1421 Temp. Record

UNFUNDED MANDATES/Exemption for Compelling Interests

SUBJECT: Unfunded Mandate Reform Act of 1995 . . . S. 1. Kempthorne motion to table the Bingaman amendment No. 191.

ACTION: MOTION TO TABLE AGREED TO, 58-39

SYNOPSIS: Pertinent votes on this legislation include Nos. 15-38, 40-41, 43-45, and 47-61.

As reported by the Governmental Affairs Committee and the Budget Committee, S. 1, the Unfunded Mandate Reform Act of 1995, will create 2 majority (51-vote) points of order in the Senate. The first will lie against the consideration of a bill or joint resolution reported by an authorizing committee if it contains mandates and if Congressional Budget Office (CBO) cost estimates on those mandates are unavailable. The second point of order will lie against the consideration of a bill, joint resolution, motion, amendment, or conference report that will cause the total cost of unfunded intergovernmental mandates in the legislation to exceed \$50 million.

The Bingaman amendment would exempt from the requirements of this Act any bill, resolution, or conference report that contained an intergovernmental mandate that was not fully funded if the reporting committee determined that the mandate was "needed to serve a compelling national interest that furthers the public health, safety, or welfare."

Debate was limited by unanimous consent. Following debate, Senator Kempthorne moved to table the Bingaman amendment. Generally, those favoring the motion to table opposed the amendment; those opposing the motion to table favored the amendment.

Those favoring the motion to table contended:

The Bingaman amendment would give a single committee the authority to exercise authority over the full Senate. Under S. 1, only the Senate may waive a point of order against a mandate that violates this Act. Under the Bingaman amendment, any committee that reported a bill, resolution, or conference report with an unfunded intergovernmental mandate could all by itself determine a point of order should not lie against it for being unfunded if it thinks the reason it has for imposing the mandate is "compelling." This

(See other side)

YEAS (58)			NAYS (39)			NOT VOTING (3)	
Republicans (52 or 100%)		Democrats (6 or 13%)	Republicans (0 or 0%)	Democrats (39 or 87%)		Republicans (1)	Democrats (2)
Abraham	Hutchison	Baucus		Akaka	Inouye	Simpson- ^{4AY}	Heflin- ² Kennedy- ^{4AN}
Ashcroft	Inhofe	Exon		Biden	Johnston		
Bennett	Jeffords	Feingold		Bingaman	Kerrey		
Bond	Kassebaum	Glenn		Boxer	Kerry		
Brown	Kempthorne	Kohl		Bradley	Lautenberg		
Burns	Kyl	Nunn		Breaux	Leahy		
Chafee	Lott			Bryan	Levin		
Coats	Lugar			Bumpers	Lieberman		
Cochran	Mack			Byrd	Mikulski		
Cohen	McCain			Campbell	Moseley-Braun		
Coverdell	McConnell			Conrad	Moynihan		
Craig	Murkowski			Daschle	Murray		
D'Amato	Nickles			Dodd	Pell		
DeWine	Packwood			Dorgan	Pryor		
Dole	Pressler			Feinstein	Reid		
Domenici	Roth			Ford	Robb		
Faircloth	Santorum			Graham	Rockefeller		
Frist	Shelby			Harkin	Sarbanes		
Gorton	Smith			Hollings	Simon		
Gramm	Snowe				Wellstone		
Grams	Specter						
Grassley	Stevens						
Gregg	Thomas						
Hatch	Thompson						
Hatfield	Thurmond						
Helms	Warner						

EXPLANATION OF ABSENCE:

1—Official Business
2—Necessarily Absent
3—Illness
4—Other

SYMBOLS:

AY—Announced Yea
AN—Announced Nay
PY—Paired Yea
PN—Paired Nay

determination should not be left to a committee. Committees, of course, are free to report legislation containing intergovernmental mandates if they wish, and they are free to explain why they believe it is advisable to so do, but it should be up to the full Senate to decide if a "compelling" reason exists for imposing an unfunded mandate. We trust a majority of Senators will agree with this sentiment and will join us in tabling the Bingaman amendment.

Those opposing the motion to table contended:

We disagree with our colleagues. Some intergovernmental mandates are so necessary that they should be imposed even absent full Federal funding. Mandates regarding the disposal of nuclear waste, minimum wage laws, and terrorism are examples of such mandates. If a committee examines an issue and determines that action is so vital that an intergovernmental mandate must be imposed, even if it is impossible to provide Federal funds to pay for it, a point of order should not lie against its legislation for proposing the necessary action. In sum, the Senate should recognize that a committee is able to recognize priorities in areas within its purview, and have its proposals considered on their merits without being subjected to a point of order. We hope our colleagues agree, and will join us in opposing this tabling motion.